

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see Form PCT/ISA/220

[rubber stamp]

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see Form PCT/ISA/210 (sheet 2)

Applicant's or agent's file reference
see Form PCT/ISA/220 2002P00610WO

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/050895

International filing date (day/month/year)
24.05.2004

Priority date (day/month/year)
16.06.2003

International Patent Classification (IPC) or both national classification and IPC
F04C2/10, F04C2/08

Applicant
SIEMENS AKTIENGESELLSCHAFT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires earlier.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

10/560446
International application No.
PCT/EP2004/050895

Box No. I. Basis of this opinion

IAP2004/050895 PCT/PTO 18 DEC 2005

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/050895

Box No. II. Priority

1. ☒ The following document has not yet been furnished:
- ☒ copy of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(a)).
 - ☐ translation of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Statement

Novelty	Yes:	Claims	1-3
	No:	Claims	
Inventive Step	Yes:	Claims	1-3
	No:	Claims	
Industrial Applicability	Yes:	Claims	1-3
	No:	Claims	

2. Citations and explanations
- see separate sheet**

Box No. VI: Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)
- and / or
2. Non-written disclosures (Rules 43*bis*.1 and 70.9)
- see Form 210**

Regarding Point V.

IAP20 Rec'd PCT/PTO 13 DEC 2005

- 1 The present report refers to the following documents:
 D1: PATENT ABSTRACTS OF JAPAN Vol. 1999, Number 05, 31 May 1999
 (31-05-1999) and JP 11 050971 A (EAGLE IND CO LTD), 23 February 1999
 (23-02-1999)

 D2: DE 198 42 016 A (BACKES CLAUS H) 16 March 2000 (16-03-2000)
 D3: US 4,820,138 A (BOLLINGER STEVEN R) 11 April 1989 (11-04-1989)
- 2 INDEPENDENT CLAIM 1
 The present application does not fulfil the requirements of Article 33(1) PCT because the subject of claim 1 is not novel within the meaning of Article 33(2) PCT. Document D1 discloses (the references in brackets relate to this document): a G-rotor pump (Abstract and Figs. 1, 3 and 4), the cover (3) being manufactured from plastic.

 Documents D2 (Figs. 1 and 2, Claim 7) and D3 (Fig. 2, column 3, lines 34-46) likewise disclose a pump having such features.

 The subject of claim 1 is commercially applicable (Article 33(4) PCT).
3. DEPENDENT CLAIMS 2, 3
 Claims 2, 3 do not contain any features which, in combination with the features of any claim to which they relate, fulfil the requirements of the PCT in terms of novelty or inventive activity.

 The subject of claims 2 and 3 is commercially applicable (Article 33(4) PCT).